

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON MIGUEL ESCAMILLA,
Plaintiff,
v.
A. OBOYLE, et al.,
Defendants.

No. 2:22-cv-02038 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 12, 2023, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 53. The file reflects that the findings and recommendations were re-served on plaintiff on September 20, 2023. Neither party has filed objections to the findings and recommendations.

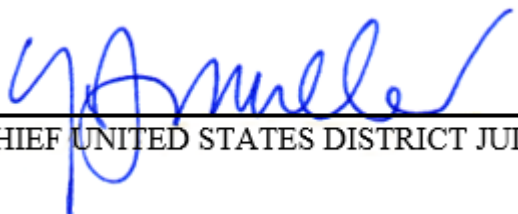
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 12, 2023 (ECF No. 53), are adopted in full;
2. Plaintiff's due process claims are dismissed without leave to amend;
3. This case proceeds on plaintiff's excessive force claims only; and
4. Defendants Oboyle and Phillips shall file a response to the third amended complaint within twenty-one days of the filing of this order.

DATED: January 11, 2024.


CHIEF UNITED STATES DISTRICT JUDGE